

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7580n

Joint Petition of Peter and Sandra Gebbie, the)
Vermont Telecommunications Authority and)
VANU Coverage Co., pursuant to 30 V.S.A.)
§ 248(n) , for a certificate of public good)
authorizing the installation of a wireless)
telecommunications facility on an existing net-)
metered wind turbine in Greensboro, Vermont)

Order entered: 12/31/2009

I. INTRODUCTION

This case involves a joint petition filed on November 17, 2009, by Peter and Sandra Gebbie, the Vermont Telecommunications Authority ("VTA") and VANU Coverage Co. ("VANU") (together, the "Applicants"), requesting a certificate of public good ("CPG") under the standards and procedures adopted by the Public Service Board implementing § 248(n) (Amended Order issued September 25, 2008), authorizing the installation and operation of a wireless telecommunications facility to be attached to an existing net metered wind turbine in Greensboro, Vermont ("Project").¹

The Project is part of the plan coordinated by the VTA to locate low-cost telecommunications equipment on residential-scale wind turbines as a means of extending wireless service to unserved and under-served areas of Vermont.

On November 17, 2009, the Applicants filed the petition, prefiled testimony, and proposed findings with the Board, the Vermont Department of Public Service ("Department"), the Vermont Agency of Natural Resources ("ANR"), the Town of Greensboro, and the adjoining landowners as specified in 30 V.S.A. § 248(n).²

1. The Board issued CPG #NM-451 to Peter Gebbie for a net-metered wind turbine on April 30, 2008. The petition also requests an amendment to the CPG to reflect the addition of the telecommunications equipment.

2. See Board Order: *In Re: Procedures governing the placement of wireless communications facilities on electric generation and transmission facilities pursuant to 30 V.S.A. § 248(n)*, issued September 5, 2007, and Board Order Amending Standards and Procedures issued September 28, 2008.

Pursuant to § 248(n) and the Board's Orders implementing the § 248(n) procedures ("Board § 248(n) Procedures"), any party wishing to submit comments as to whether the petition raises a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248, as outlined in the Board §248(n) Procedures, was required to file its comments with the Board within thirty days.

No comments on the petition have been filed with the Board.

The Board has determined that the petition and prefiled testimony have effectively addressed the issues raised by the Project with respect to the relevant substantive criteria of 30 V.S.A. § 248. Consequently, we find that the procedures authorized by §248(n) are sufficient to satisfy the public interest, and no hearings are required.

II. FINDINGS

1. The Project is part of a plan coordinated by the VTA to test the feasibility of locating low-cost telecommunications equipment on residential-scale wind turbines as a means of extending wireless service to unserved and under-served areas of Vermont. Smith pf. at 2-3.
2. Participants in the Project include: Peter and Sandra Gebbie, the landowners and net-metering customer; VANU, the telecommunications provider; and the VTA, the overall project coordinator. Smith pf. at 3.
3. The telecommunications equipment to be used in the Project will allow VANU to serve multiple service providers from the same base station and antennae. Smith pf. at 3.
4. The existing net-metered wind turbine is located on property owned by Peter and Sandra Gebbie at 2183 Gebbie Road in Greensboro, Vermont. The wind turbine was issued a CPG on April 30, 2008. Smith pf. at 2; CPG #NM-451.
5. The telecommunications equipment will be placed on the existing 100' tall wind turbine tower, below the 22' diameter rotor. Smith pf. at 3
6. The Project will include up to six vertical flat panel antennas each measuring 76" high by 8" wide by 4" deep mounted on the turbine tower at a height of 80'. The Project will also include up to two 4' diameter and one 2' diameter dish antennas mounted at a height of between 65' to 80'. Smith pf. at 3.

7. Two enclosed cabinets each measuring 72" high by 25" wide by 34" deep and housing air conditioning, heaters, batteries and power supplies will be installed on a platform near the base of the turbine tower as part of the communications facility. Smith pf. at 3-4.

8. Power supply and conduits for telecommunications wiring will be buried underground in the same area as the existing power lines utilized for the wind turbine. Smith pf. at 4.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

9. The proposed Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by finding 10, below.

10. The Project fulfills the goals of improving telecommunications services contained in the Town and Regional Plans by extending cellular coverage to unserved areas of Greensboro and surrounding towns with minimal scenic and visual impact. Smith pf. at 4-5.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

11. The Project will not adversely impact system stability and reliability. This finding is supported by finding 12, below.

12. The total peak demand for the telecommunications equipment will be approximately 100 amps, far less than new homes which typically have 200-amp service and, thus, should be indiscernible to the serving utility. Smith pf. at 5-6.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

13. To the extent that increased wireless telecommunications signal coverage results in increased commercial investment in the region, the proposed Project will provide an economic

benefit to the state.³ Smith pf. at 6.

**Aesthetics, Historic Sites, Air and
Water Purity, the Natural Environment and Public
Health and Safety**

[30 V.S.A. § 248(b)(5)]

14. The proposed Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety. This finding is supported by findings 15-28, below.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

15. The proposed Project as designed meets any applicable health and environmental conservation regulations regarding the disposal of wastes, and does not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. All construction debris produced during construction of the proposed Project will be disposed in accordance with the law. Smith pf. at 6.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

16. The proposed Project will not be located in a floodway. Smith pf. at 7.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

17. The proposed Project is not located on or adjacent to any streams. Smith pf. at 7.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

18. The proposed Project is not located near any shorelines. Smith pf. at 7.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

19. The proposed Project is not located near any wetland. Smith pf. at 7.

3. Pursuant to § 248(n)(1)(D), construction of the wireless communications facility is also consistent with the "state's interest in ubiquitous mobile telecommunications and broadband service in the state."

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

20. The proposed Project will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by finding 21, below.

21. Soil disturbance will be limited to the installation of the cabinet platform and the utilities trench, which will be made in the same area as the existing buried conduit. Smith pf. at 7.

**Aesthetics, Historic Sites or Rare
and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

22. The proposed Project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 23-26, below.

23. The attachment of the various telecommunications equipment to the existing wind turbine will not significantly increase the overall size or visual impact of the turbine. Smith pf. at 8.

24. No significant noise will be generated by the proposed Project. Smith pf. at 8.

25. The equipment cabinets will be painted a cream color. Smith pf. at 4.

26. The electronics cabinets and platform will be screened by existing topography and natural vegetation. Smith pf. at 8-9.

**Necessary Wildlife Habitat and
Endangered Species**

[10 V.S.A. § 6086(a)(8)(A)]

27. The proposed Project will not have an undue adverse impact on any necessary wildlife habitat or known endangered species sites. This finding is supported by finding 28, below.

28. The attachment of the various telecommunications equipment to the existing wind turbine does not raise concerns regarding impacts on wildlife habitat or endangered species. Smith pf. at 9.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

29. The proposed Project is not located on or near any Outstanding Resource Waters as designated by the State of Vermont Water Resources Board. Smith pf. at 9.

IV. CONCLUSION

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(n); and the proposed Project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The installation and operation of a telecommunications facility to be attached to an existing net-metered wind turbine in Greensboro, Vermont, by the Applicants, in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. §§ 219a and 248(n), and a certificate of public good to that effect shall be issued.
2. The Certificate of Public Good (#NM-451) issued to Peter Gebbie for a net-metered wind turbine on April 30, 2008, is amended to reflect the addition of the telecommunications equipment as described above.

Dated at Montpelier, Vermont, this 31st day December, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 31, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.